

REMARKS

Restriction Requirement

The Office Action has required restriction to one of the following Groups of claims:

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| Group I | Claims 1-7 and 33-34, drawn to a biosensor, classified in class 435, subclass 287.1. |
| Group II | Claims 8-19, drawn to an anchor molecule, classified in class 435, subclass 4. |
| Group III | Claims 20-22, drawn to a ligand-anchor conjugate. |
| Group IV | Claims 23-26; drawn to a method for the production of the conjugate. |
| Group V | Claim 27; drawn to a method for providing a boundary layer. |
| Group VI | Claims 28-29, drawn to a method of production of a sensor, classified in class 435, subclass 7.1. |
| Group VII | Claims 30-32, drawn to a method for detecting an interaction, classified in class 435, subclass 6. |

Applicants hereby elect Group II, claims 8-19, with traverse.

Restriction between Groups I and II is stated in the Office Action to be justified because these groups are related as “combination and subcombination,” and that the combination does not require the particulars of the subcombination as claimed. It is respectfully submitted that this characterization of the relationship of these groups is not accurate, because all of the features of the subcombination (claim 8) appear in the combination (claim 1). Because the two way test has not been satisfied, examination of Group I together with elected Group II is earnestly solicited.

Restriction between Groups I and IV is stated in the Office Action to be justified because these groups are related as “process of making and product made,” and that the sensor of Group I does not require the specifics of the conjugate made by the method of

Group IV. It is respectfully submitted that this assertion is inaccurate, because the specifics of the conjugate in being capable of immobilizing the anchor on a sensor surface and having a structural unit which enables formation of a self-assembled monolayer on the surface are recited in both claims 1 and Claim 23.

Restriction between Groups II and IV is stated in the Office Action to be justified because these groups are related as "process of making and product made," and that a generic conjugate can be made form a variety of known methods in the art other than that claimed in Group IV. This ignores that neither Group II or Group IV relate to a generic conjugate, but rather relate to the same conjugate as described with specificity in the claims.

Restriction between Groups II and VI is stated in the Office Action to be justified because these groups are unrelated. It is respectfully submitted that this characterization of the relationship of these groups is not accurate, because the claims of these two groups all relate to the same anchor molecule. Group VI defines application of a solution of the ligand on spatially separate sections of the sensor surface having the specific anchor molecule of Group II. Group II also includes claims on the method of making the ligand-anchor conjugate. Because of the relatedness of these groups, examination of Group II together with elected Group VI is earnestly solicited.

Restriction between Groups VII and IV and VI is stated in the Office Action to be justified because these groups are unrelated. The Office Action goes on to state that Group VII is drawn to a method for detecting an interaction, which is a different function than the methods of Groups IV (method of making the ligand-anchor conjugate) and VI (method of applying a solution of the ligand on spatially separate sections of the sensor surface). Further, restriction between Groups VII and I is stated to be justified because these groups are related as process and apparatus for its practice. It is respectfully submitted that the groups as identified contain a sufficient commonality of subject matter that they should be examined together. A search regarding the subject matter of one group would necessitate consideration of subject matter relevant to the other groups. Further, the public interest is best served by early resolution of all patentability issues. An efficient prosecution of all subject matter in a single application thus would serve the

interests of the applicant and the Patent Office, and especially would serve the best interest of the public.

Restriction between Groups I and III is stated in the Office Action to be justified because these groups are related as “combination and subcombination,” and that the combination does not require the particulars of the subcombination as claimed. The Office Action goes on to state that Group I does not require the use of any specific anchor molecule. This statement is inaccurate, because Group I specifically recites limitations in selection of the anchor molecule in exactly the same terms as employed in Group III. Note that the ligand-anchor conjugate claimed in Claim 20 (the anchor-ligand “subcombination” of Group III) only describes the anchor component of the combination by reference to claim 8, which language is identical to that of the description of the anchor component of claim 1 (the biosensor “combination” of Group III). The two way test to allow restriction between these groups has not been satisfied.

Restriction between Groups III and II is stated in the Office Action to be justified because these groups are related as “combination and subcombination,” and that the combination does not require the particulars of the subcombination as claimed. This statement is inaccurate, because the ligand-anchor conjugate claimed in Claim 20 (the “combination” of Group III) only describes the anchor component of the combination by reference to claim 8 (the “subcombination” of Group II). The two way test to allow restriction between these groups has not been satisfied.

Restriction between Groups IV and III is stated in the Office Action to be justified because these groups are related as “process of making and product made,” and that a generic conjugate can be made form a variety of known methods in the art other than that claimed in Group IV. This statement ignores that neither Group III or Group IV relate to a generic conjugate, but rather relate to the same conjugate as described with specificity in the claims.

CONCLUSION

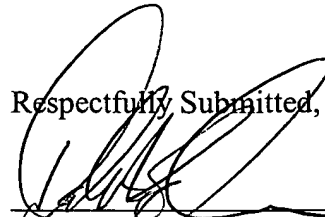
In view of the above election and remarks, reconsideration and recombination of the identified groups is respectfully requested. It is respectfully submitted that the foregoing is fully responsive to the outstanding Restriction Requirement, and further that

the present application is now in condition for allowance. Approval of the application and allowance of the claims is earnestly solicited. In the event that a phone conference between the Examiner and the Applicant's undersigned attorney would help resolve any issues in the application, the Examiner is invited to contact said attorney at (651) 275-9811.

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By:

Respectfully Submitted,


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